

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

May 13, 2010

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Land Board Members:

**SUBJECT:     AUTHORIZATION FOR THE CHAIR TO SIGN A MEMORANDUM  
OF AGREEMENT BETWEEN THE US ARMY GARRISON OF  
HAWAII AND THE DEPARTMENT OF LAND AND NATURAL  
RESOURCES**

**SUMMARY:**

This board submittal requests the Board to authorize the Chairperson to sign a Memorandum of Agreement (MOA) with the US Army Garrison of Hawaii pursuant to the terms outlined below and subject to approval by the Attorney General.

**BACKGROUND:**

In 1999, 2001, 2004, 2006 and 2008, the Army completed Section 7 consultations under the Endangered Species Act with the US Fish and Wildlife Service (USFWS) to determine if routine military training at Makua Military Reservation (MMR) would jeopardize the continued existence of 41 endangered species. The USFWS issued biological opinions in 1999, 2003, 2005, 2007 and 2008 concluding that the routine military training would not jeopardize the continued existence of the endangered species based on several conditions, including that the Army prepare and implement an Implementation Plan (IP) to provide stabilization actions for 29 ("target taxa") of the 41 endangered species in Makua Military Reservation and 46 ("target taxa") of the 49 endangered species in the remaining installations on Oahu.

The Makua (2005) and Oahu (2008) implementation plans identified the following *in situ* management and introduction efforts as needed to stabilize the target taxa: surveying for target taxa, collecting genetic material, fence clearing and fence construction, establishing and maintaining fuel breaks, conducting threat management, including control of ungulates, small mammals, and invertebrates, weed control, and erosion control, augmentation of existing populations of target taxa, reintroductions of target taxa, and introductions of target taxa, and

monitoring population units and outplanting sites and habitat. In order to stabilize the target taxa identified by the USFWS and fulfill the requirements of the Army's section 7 consultation regarding Army training activities on Oahu, the *in situ* management and reintroduction efforts need to take place both on Oahu Army training installations and on Oahu lands outside of Army training installations.

The State of Hawaii controls or owns lands at several locations on the island of Oahu within the stabilization action areas identified in the USFWS biological opinion and where the target taxa are proposed to be managed and/or reintroduced by the Army. The stabilization actions that the Army desires to implement on State lands are consistent with the State's mandate to protect threatened and endangered species. Both Parties deem it mutually advantageous and desirable to cooperate, to enhance the prospects of recovery for the target taxa.

Army management units have been identified within Natural Area Reserves, Forest Reserves, State Parks, Land Division lands, and Na Ala Hele trails totaling approximately 11,901 acres.

#### DISCUSSION:

Around 1997, the Army began working on State lands with out a formal agreement in place but in coordination with DOFAW Oahu Branch staff. Since 2006, the Army has been granted annual permits to work in the Natural Area Reserves with the understanding that a formal agreement would be developed.

The goal of the MOA is to establish a framework by which the Army can have access to and utilization of certain State lands for their stabilization actions in a way that is consistent with State mandates and management priorities.

The term of the agreement will be for ten years with the option to renew, will be evaluated after five years, and can be modified at any time by mutual agreement. The MOA will not obviate the need for the following permits: Forest Reserve special use permit, Natural Area Reserves special use permit, threatened and endangered plant species license, threatened and endangered wildlife species permit, threatened and endangered invertebrate species permit, State Parks special use permit, and a Land Division right of entry, but will provide a framework for a more streamlined permitting process and a longer than one year permit term.

In order to defray expenses incurred by the State to support Army stabilization actions on State lands, the Army will pay the State 5 percent of the Army Environmental Division's annual natural resource budget spent on State lands as well as a fee to use portions of the Pahole Rare Plant Facility for storage and horticulture purposes. Transfer of funds is contingent upon the successful execution of a Cooperative Agreement or the development of some other process to transfer federal funds from the Army to the State. Funds will be deposited into the DOFAW managed Native Resources and Fire Protection Federal fund (S-204) account.

RECOMMENDATION:

That the Board:

- 1) Authorize the Chairperson to develop and execute a Memorandum of Agreement with the US Army Garrison of Hawaii, as described above, subject to approval as to form by the Attorney General's office.
- 2) Authorize the Division of Forestry and Wildlife to develop and implement cooperative operations maintenance and management projects with the US Army Garrison, Hawaii, and to receive and expend Federal funds under this agreement.

Respectfully submitted,



PAUL J. CONRY, Administrator

APPROVED FOR SUBMITTAL:



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LAURA H. THIELEN, CHAIRPERSON  
Board of Land and Natural Resources

